

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROY J. ROUSE,

Plaintiff,

v.

DIANE SABATKA-RINE, et. al.

Defendant.

CASE NO. 4:07CV3089

MEMORANDUM AND ORDER

This matter is before the court on the Plaintiff's Motion for Appointment of Counsel (Filing No. 9), and the Plaintiff's Motion for Extension of Time. (Filing No. 10).

Motion for Appointment of Counsel

The court cannot routinely appoint counsel in civil cases. In *Davis v. Scott*, 94 F.3d 444, 447 (8th Cir. 1996), the Eighth Circuit Court of Appeals explained:

'Indigent civil litigants do not have a constitutional or statutory right to appointed counsel.'... The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff's ability to investigate the facts and present his claim.

(Citations omitted.) The Plaintiff has capably presented the factual basis for the claims in this proceeding. I find that appointment of counsel is not necessary to enable the Plaintiff to pursue those claims. Therefore, the motion for appointed counsel, is denied.

Motion for Extension of Time

Next, the Plaintiff asks this court to grant him an extension of time to respond to the Defendant's Brief in support of Defendant's Motion for Summary Judgment. Extensions of time are freely granted for either party in pro se cases. Therefore, the court will grant the Plaintiff's motion. The Plaintiff shall file a written response to the Defendant's Motion

for Summary Judgment by July 23, 2007. If the Plaintiff fails to meet this deadline, the court will decide the motion based on the record currently before the court.

IT IS ORDERED:

1. That the Plaintiff's Motion for Appointed Counsel (Filing No. 9) is denied;
2. The Plaintiff's Motion for Extension of Time (Filing No. 10) is granted;
3. The Plaintiff shall have until July 23, 2007 to respond to the Defendant's Motion for Summary Judgment;
4. The Clerk of Court is directed to send a copy of this Memorandum and Order to the plaintiff at his last-known address.

DATED this 22nd day of June, 2007.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge